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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/722,805	11/26/2003	Loic Grebonval	18,967	8193
23556	7590	07/28/2005	EXAMINER	
KIMBERLY-CLARK WORLDWIDE, INC. 401 NORTH LAKE STREET NEENAH, WI 54956				NGUYEN, JOHN QUOC
		ART UNIT		PAPER NUMBER
		3654		

DATE MAILED: 07/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/722,805	GREBONVAL ET AL.	
	Examiner	Art Unit	
	John Q. Nguyen	3654	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 30 June 2005.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-62 is/are pending in the application.
 4a) Of the above claim(s) 3,4 and 28-62 is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1,2 and 5-27 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>4/28/05, 11/29/04, 8/12/04, 6/2/04, 2/23/04</u> | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 3654

Applicant's election without traverse of the species of figs. 1-4, claims 1, 2, and 5-27 in the reply filed on 6/30/05 is acknowledged.

Claims 3, 4, and 28-62 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 6/30/05. It should be noted that claim 36 does not read on the elected species.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 2, 5-9, 12-17, 19, 22-26 are rejected under 35 U.S.C. 102(e) as being anticipated by FitzSimons et al (US-6899250).

Fitzsimons et al discloses a wet and dry towel dispenser (especially figs. 4-8) having substantially all the claimed features including base 12 including a shroud, a support member including element/spindle 30 or 42 which is attached to all elements of the base. Openings 24 and 34 expose a portion of the roll. The angle is about 0 degrees (claim 12) and about 90 degrees (claim 13). The gap of claim 15 reads on openings 24 or 34. Note dispensing cover 28 and sealing ring surrounding dispensing

opening 26. Relative to claim 19, note hinge 29. A portion of compartment 14 or 16 can also be a storage compartment. Relative to claim 23, note fig. 4 showing a refill cover 44.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 10 and 11 are rejected under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over FitzSimons et al (US-6899250).

Since the roll appears to be a standard roll, the spindle is deemed to have the claimed dimensions or, alternatively, the claimed dimensions would have been an obvious matter of design choice to a person having ordinary skill in the art based on factors such as preference, design criteria, space optimization, and costs.

Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over FitzSimons et al (US-6899250).

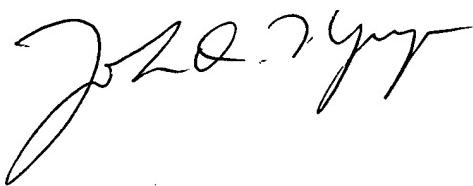
Compressible seals such as o-rings and gaskets are old and well known in the art and Official notice of such is hereby taken. Therefore the use of such a compressible seal in the cover which would then inherently spring open the cover would have been obvious to a person having ordinary skill in the art to provide a more effective seal of the dispensing opening.

Claims 20, 21, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over FitzSimons et al (US-6899250) in view of Bando et al (US-6206221). Bando et al discloses another similar apparatus in which a dispensing cover 23 springs open by activating a button 90. It would have been obvious to a person having ordinary skill in the art to provide the apparatus of FitzSimons et al with a cover and button as taught by Bando et al to facilitate opening the dispensing cover. A soft-pack wet wipe package 40 with a removable sheet 45 is used as the source of wet wipe. That the removable sheet is a label would have been an obvious matter of design choice to a person having ordinary skill in the art based on factors such as ornamental preference and design criteria and also since such is also old and well known in the art and Official notice of such is hereby taken. It would have been obvious to a person having ordinary skill in the art to provide the wet wipe package of Fitzsimons as a soft-pack as taught by Bando et al to facilitate inserting the package into the dispenser.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Q. Nguyen whose telephone number is (571) 272-6952. The examiner can normally be reached on Monday, Tuesday, Thursday, and Friday, from 7:00 AM to 4:30 PM. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Katherine Matecki, can be reached on (571) 272-6951. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



John Q. Nguyen
Primary Examiner
Art Unit 3654